

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AZUOWOH ROTIMI,

Plaintiff,

v.

JODY FARABELLA, et al.,

Defendants.

Civil No. 20-15444

**MEMORANDUM
OPINION & ORDER**

APPEARANCES:

ROTIMI A. OWOH
THE LAW OFFICE OF ROTIMI OWOH
100 OVERLOOK DRIVE
2nd FLOOR
PO BOX 2439
PRINCETON, NJ 08540

Plaintiff appearing pro se

A. MICHAEL BARKER
BARKER, GELFAND & JAMES
LINWOOD GREENE
210 NEW ROAD
SUITE 12
LINWOOD, NJ 08221

Counsel on behalf of Defendants

WHEREAS, on November 3, 2020, Plaintiff filed a Motion to Remand this case to Cumberland County State Court ("First Motion to Remand"), which included a proposed amended complaint purportedly removing all federal claims (ECF No. 2);

WHEREAS, on November 6, 2020, the Court ordered counsel to meet and confer to determine whether the Defendants consented or

objected to Plaintiff filing the proposed amended complaint and Plaintiff's motion to remand (ECF No. 6); and

WHEREAS, on November 10, 2020, Defendants advised the Court they were unable to secure an assurance from Plaintiff that all federal claims would be abandoned and thus Defendants objected to Plaintiff filing the proposed amended complaint (ECF No. 7); and

WHEREAS, on November 24, 2020, Plaintiff filed his motion to amend the complaint and certified that Plaintiff "no longer wants to remand this matter to state court" (ECF No. 9); and

WHEREAS, on December 9, 2020, the Amended Complaint, which plead five counts under state and federal laws and added an additional defendant, was electronically filed and served (ECF No. 13);

WHEREAS, on December 24, 2020, Defendants filed an Answer to the Amended Complaint (ECF No. 14);

WHEREAS, on January 21, 2021, Plaintiff filed a renewed motion to amend complaint to remove federal claims and remand to state court ("Second Motion to Remand") (ECF No. 16);

WHEREAS, on February 2, 2021, Defendants moved for the Court to order Plaintiff to comply with Local Civil Rules, which required a motion to amend a pleading to include: "a form of the amended pleading that shall indicate in what respects it differs from the pleading which it proposes to amend, by bracketing or

striking through materials to be deleted and underlining material to be added" (ECF No. 19);

WHEREAS, on March 18, 2021, the Court denied Plaintiff's Motion to Amend to remove all federal claims because such motion failed to comply with the Local Civil Rules. The Court permitted Plaintiff an additional opportunity to seek leave to amend his complaint in a manner compliant manner with the local rule (ECF No. 25); and

WHEREAS, the Court finds Plaintiff's First Motion to Remand, which was based on the removal of federal causes of actions, was mooted by the filing of the Amended Complaint on December 9, 2020, which included federal causes of actions that allowed this Court to retain original jurisdiction; and

WHEREAS, because the proposed amended complaint filed along with the Second Motion to Remand has been denied by the Court on March 18, 2021, the Court will consider the allegations and causes of actions plead in the Amended Complaint filed on December 9, 2020 for determining whether Plaintiff's Second Motion to Remand shall be granted or denied; and

WHEREAS, the Court will deny Plaintiff's Second Motion to Remand because the Amended Complaint included federal causes of actions, which allows this Court to retain original jurisdiction.

THEREFORE,

IT IS on this 19th day of March, 2021

ORDERED Plaintiff's First Motion to Remand (ECF No. 2) be,
and the same hereby is, DENIED as MOOT; and

ORDERED Plaintiff's Second Motion to Remand (ECF No. 16)
be, and the same hereby is, DENIED without prejudice.

Date: March 19, 2021
At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.